

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1759 OF 2005

Dnyaneshwar Shankar Khandagale

..Petitioner

Versus

The Returning officer and Ors.

..Respondents

Mr.Uday Warunjikar for the petitioner.

Mr.Rahul Kate for Respondent No.3.

**Coram : R.M.LODHA &
R.S.MOHITE,JJ**

Date : 21.3.2005.

PC

. Heard the learned Counsel for the petitioner.

2. The issue raised in the petition is with regard to dis-qualification of Respondent No.3-Pradeep Vishwas Patil as a member of Gram Panchayat Kalamb.

3. Under article 243 F(2) of the Constitution of India, if any question arises as to whether a member of a panchayat has become subject to any of the disqualifications inter alia dis-qualification under any law for the time being in force, the question shall be referred for the decision of such authority and in such manner as is provided by law enacted by the State Legislature.

4. In this view of the matter the petitioner has to pursue the remedy in the manner provided under Bombay Village Panchayat Act 1958, if respondent no.3 has incurred dis-qualification for being member of Gram Panchayat, Kalamb.

5. The learned Advocate for the petitioner submits that respondent no.3 has already resigned from the membership and there is no dispute in that regard. If that be so, then there should not be any problem for the petitioner in getting the declaration about dis-qualification of respondent no.3 from the competent authority under law enacted by the State legislature.

6. No case for revocation of the writ jurisdiction is made out.

7. Writ petition is dismissed in limini.

(R.M.LODHA,J)

(R.S.MOHITE,J)